

REMARKS

I. Introduction

In response to the pending rejection, as set forth below, Applicant respectfully submits that the main prior art reference applied against the pending claims is not prior art to the instant and application and therefore the rejection must be withdrawn.

In addition, it is noted that in the PTO-1449 form returned to the Applicant along with the aforementioned Office Action, one of the references (JP 2-244674) was not initialed by the Examiner. It appears that this may have been an oversight. It is respectfully requested that the Examiner initial this reference so as to confirm it has been considered, and return the PTO-1449 form to the Applicant. A copy of the PTO-1449 form is enclosed.

II. The Rejection Of The Claims Under 35 U.S.C. § 103

Claims 5-11 and 13 were rejected under 35 U.S.C. § 103 as being unpatentable over USP Pub. No. 2003-0030078 to Manfra. Claim 12 was rejected over Manfra in view of USP No. 4,939,571 to Nishizawa. For the following reasons, Applicants respectfully submit that Manfra, as relied upon in the pending rejection, is not prior art to the instant application and therefore the rejections must be withdrawn.

Manfra has a filing date of October 7, 2002, and claims priority to a divisional application filed on December 23, 1999, and to a provisional application filed on January 26, 1999. The instant application has an effective filing date of July 7, 1999 based on the priority claim to JP 11-192659 filed on July 7, 1999. This claim is made through application PCT/JP00/04477 filed on July 6, 2000. Applicant submits herewith a certified translation of JP 11-192659 so as to perfect the claim of priority.

In view of the foregoing filing dates, only the provisional application of Manfra precedes the effective filing date of the present application. However, upon review of the provisional application of Manfra (copy enclosed), the portions of the Manfra patent cited in the pending rejection do not appear to be supported by the provisional application. Specifically, the present rejection relies primarily on paragraphs [0021]-[0025] of the Manfra patent specification. However, this material does not appear to be present in the provisional application. Accordingly, the effective priority date for the subject matter relied upon in the pending rejection is December 23, 1999 (i.e., the filing date of the parent application), which is subsequent to the effective filing date of the present invention.

Thus, the portions of Manfra relied upon in the pending rejection are not prior art to the instant application, and as a result, the pending rejections must be withdrawn.

III. Request For Notice Of Allowance

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited.

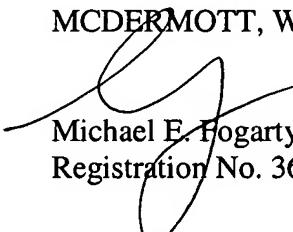
If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

10/019,540

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date:December 11, 2003
WDC99 852764-1.060188.0359